

depict a predetermined miniature environment.

REMARKS

Claims 2-7, 9-12 and 14-28 remain pending. Claims 10, 11, 14-17 and 22 are allowed. Claims 3-7, 12 and 18-28 are rejected. A notice of appeal accompanies this amendment.

Claim 19 has been amended to improve the form thereof for appeal, specifically to add consistent references to "first" and "second". Claim 13 has been canceled and the limitation thereof combined with claim 12. No new issues requiring further search or examination are raised by this amendment.

The examiner has repeated his previous rejection based on the Sauder U.S. Patent No. 3,975,876. Applicants' previous arguments of record concerning this reference are incorporated by reference into this response, and the arguments presented herein will be expanded in the appeal brief to follow. Concerning the rejection of claims 3-7, 12-13, and 18-21 based on 35 USC 102(b), the examiner concedes that Sauder has no design on its walls. The examiner takes the position that the claim limitations concerning the designs read on a blank wall. This is a misconstruction of the claim language, when interpreted in accordance with the specification. The examiner is in effect saying that no design at all is a design. The examiner also fails to give any weight to the words "miniature environment" as used in claims 12 and 19, unless he means that a miniature blank wall looks the same as a full-sized one? Such a reading of the claims is perverse because the applicants clearly are describing the kinds of designs used in doll houses and other such displays, where patterns are reproduced on a reduced scale. The rejection under 35 USC 102 should be withdrawn so that the issues may be reduced for appeal.

Claims 23-28 were rejected under 35 USC 103 on the basis of Sauder in combination

with the examiner's official notice. Applicant concurs with the examiner that "placing indicia on the walls of a housing structure has been known for centuries". However this does not render the rejected claims unpatentable in view of Sauder. As argued previously, Sauder concerns a wood frame building wall, and as such any patterns used in connection with Sauder would be full size, not miniature.

The examiner also rejects this group of claims under 35 USC 103 on the basis of Sauder in view of French U.S. Patent No. 5,261,849. In applying this reference, the examiner states that the reference shows a "miniature object" 60, which the reference describes as "various scenic backgrounds" 60. In the context of this rejection, the examiner seems to be having no trouble understanding what the term "miniature environment" means.

Applicant argues that the proposed combination of Sauder and French lacks reasonable basis. Sauder is a full-sized building construction, whereas French is describing a puppet theater. One skilled in the art would have no reason to take a backdrop from a puppet theater and use it in Sauder. While the sliding panel 28 of French is removable, i.e. it can be positioned at the front or back of the theater depending on the orientation, the wall panels of Sauder form part of a permanent structure having a roof, and there would be no reason to use interchangeable wall panels in such an environment. These references also come from non-analogous arts as evidenced by radically different classification (class 52, static structures, versus class 446, amusement devices/toys).

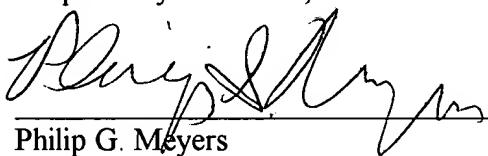
It should also be noted that the puppet theater of French differs from the display system as now claimed in claims 12 and 19, in that each of these claims requires at least two decorative surfaces on different wall panels, e.g., a back and a side. Claim 19 in particular recites that the

“first and second designs cooperate to depict a predetermined miniature environment.” In the puppet theater of French, only the back has a scenery panel. The sides are left open (openings 44). Nothing in either of the cited references suggests these features. Accordingly, the rejection under 35 USC 103 should be withdrawn.

Claim 12 is further distinguishable over the art of record in that it defines a kit having “subsets of two or more panels having a matching or coordinated decorative covers.” This permits the user to create matching or mismatching combinations of patterns as desired. This feature is absent from both Sauder and French, neither of which concerns a kit wherein the number of included parts deliberately exceeds the number that can be used at one time.

In view of the foregoing, applicants respectfully submit that the claims define patentable subject matter. A notice of allowance respecting all pending claims is, therefore, earnestly solicited. The examiner is invited to telephone the undersigned at the telephone number listed below if such would advance the prosecution of this application.

Respectfully submitted,



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February 18, 2003

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Appendix - claims with changes indicated:

12. An interchangeable panel display kit usable to make an interchangeable panel modular display system, which display system includes a frame including a base and at least one wall section positionable in an upright position when the base is placed horizontally on a surface, which wall section has grooves for slidably receiving a wall panel therein and an opening for inserting a wall panel into the grooves and for removing the wall panel from the grooves, and at least one wall panel slidably insertable into the grooves of the wall section, the wall panel comprising a support and a decorative surface disposed on at least one side of the support, which decorative surface has a design thereon that corresponds to a miniature environment that the interchangeable display system simulates, wherein the kit comprises:

at least one frame that defines a plurality of wall sections; and

a plurality of interchangeable wall panels having a variety of decorative surface designs so that the appearance of the display system can be changed by removal and replacement of the wall panels, wherein the wall panels include subsets of two or more panels having a matching or coordinated decorative covers.

19. (Twice Amended) An interchangeable panel display system, comprising:
a frame including a base, a first wall section positionable in an upright position when the base is placed horizontally on a surface, which first wall section has grooves for slidably receiving a wall panel therein and an opening for inserting a wall panel into the grooves and for removing the wall panel from the grooves, and a second wall section positionable in an upright position when the base is placed horizontally on a surface, which second wall section has grooves for slidably receiving a wall panel therein and an opening for inserting a wall panel into the grooves and for removing the wall panel from the grooves; [and]

a first wall panel slidably insertable into and removable from the grooves of the first wall section, the first wall panel comprising a support having a first decorative surface disposed on at least one side of the support, which first decorative surface has a first design thereon; and

a second wall panel slidably insertable into and removable from the grooves of the second wall section, the second wall panel comprising a support having a second decorative surface disposed on at least one side of the support, which second decorative surface has a second design thereon that is different from the first design, wherein the first and second designs cooperate to depict a predetermined miniature environment.